

Notice of Allowability

Application No.

10/701,273

Examiner

Tuan C To

Applicant(s)

STRATTON ET AL.

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/04/2003.
2. ☒ The allowed claim(s) is/are 1-43.
3. ☒ The drawings filed on 04 November 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/04/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


THOMAS G. BLAVIN
SUPERVISORY PATENT EXAMINER
GROUP 3600

DETAILED ACTION**Examiner's Amendment**

An informal examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

In the specification, page 8, line 40, after "The controller", "40" is deleted. Same line, after "The controller", --46--is inserted.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

This communication is an Examiner's reasons for allowance in response to application filed on 11/04/2003, assigned serial 10/701,273 and titled "Site Profile Based Control System and Method for Controlling a Work Implement".

The following is the Examiner's statement of reasons for the indication of allowable subject matter:

After performing the search of prior art that are relevant to the claimed subject matter of the present invention, the examiner has found that the some of references are related to the subject matter of at least claims 1, 18, and 31 of the present invention. However, none of the cited prior art of record teaches or fairly suggests the limitations "a site model containing data related to a condition of the material", and "a controller being coupled to the site model operable to receive the machine position signal and determine a current condition of the material as a function of the position signal and the site model, operable to generate a control signal as a function of the current condition of the material and operable

Art Unit: 3663

to responsively control the work machine as a function of the control signal".

Also, none of the references teaches or discloses the method for controlling a work machine operating at a work site, comprising the step of "receiving the machine position signal and determining a current condition of the material as a function of the position signal and a site model, the site model containing data related to a condition of the material".

The reference to Quincke is directed to a system and method for a work machine, in which the work machine is equipped with a GPS system with a GPS antenna located on the top of the machine for basically receiving the satellite signals from the satellites, and said the work machine includes a controller for calculating a space reference point using the position of the satellite reception unit. It is found that Quincke do not disclose the limitations as discussed above.

The reference to David et al. (U.S. 20020162668A1) is directed to a system and method for controlling the position of a blade of an earth moving machine, comprising a blade, a blade controller configured for moving the blade, and a controller that is associated with a GPS receiver for determining the accurate position of the blade. David et al. do not disclose the limitations as discussed above.

For the reason discussed above, the application is patentable over the cited prior art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (703) 308-6273. The examiner can normally be reached on from 8:00AM to 5:00PM.

Art Unit: 3663

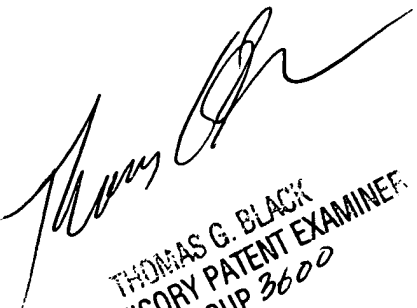
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on (703) 305-8233.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/tc

Date: August 13, 2004



THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600